

NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                 |   |                              |
|-----------------|---|------------------------------|
| In Re:          | ) | CASE NO. 21-11329            |
|                 | ) |                              |
| ANGELINE VAUGHN | ) | CHAPTER 7 PROCEEDING         |
|                 | ) |                              |
| Debtor.         | ) | JUDGE JESSICA E. PRICE SMITH |

**MOTION TO SHOW CAUSE AND FOR SANCTIONS**  
**FOR VIOLATION OF THE AUTOMATIC STAY**

Now comes Debtor, by and through counsel, and hereby moves this Honorable Court for an Order upon Regional Income Tax Agency (the “Creditor”) to appear and show cause why it should not be held in contempt of Court due to its wilful violation of the automatic stay provisions of 11 U.S.C. § 362, together with an award of sanctions pursuant to 11 U.S.C. § 362(k)(1) which include, but are not limited to, Debtor’s expenses and legal fees incurred as a result of such violation.

For cause, the Creditor filed judgment lien number JL-21-029746 on 4/16/2021 in the Cuyahoga County Court of Common Pleas in violation of the automatic stay. The Creditor has failed and/or refused to release or withdraw the lien despite due request by Debtor’s counsel.

The Creditor’s actions in this matter constitute a clear, wilful and egregious violation of the automatic stay, to wit “the exercise [of] control over property of the estate” and to “enforce [a] lien against property of the estate” under 11 U.S.C. § 362(a)(3) and (5). *See In re Sharon*, 234 B.R. 676 (B.A.P. 6<sup>th</sup> Cir. 1999). Debtor’s sustained actual damages as a direct result of the Creditor’s violation of the automatic stay, including attorney fees, and her ability to travel to obtain a fresh start has been compromised by the Creditor’s actions.

WHEREFORE, Debtor moves this Court to find the Creditor in contempt of Court and for an award of their actual damages, including costs and attorney's fees, together with punitive damages pursuant to 11 U.S.C. § 362(k)(1), and such other and further relief as the Court deems proper.

Respectfully submitted,

/s/ Charles J. Van Ness  
Charles J. Van Ness (0047365)  
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### **CERTIFICATE OF SERVICE**

A copy of the foregoing Motion was sent via regular U.S. Mail (or ECF) on June 11, 2021, to the following parties:

Lauren A. Helbling(via ECF)  
Chapter 13 Trustee  
[ch13trustee@ch13cleve.com](mailto:ch13trustee@ch13cleve.com)

Regional Income Tax Agency  
Attn: Donald Smith - Executive Director  
40 Severance Circle  
Cleveland Heights, 44118

/s/ Charles J. Van Ness  
Charles J. Van Ness (0047365)  
Attorney for Debtor